



## COMMITTEE OF ADJUSTMENT MINUTES

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Monday, October 16<sup>th</sup>, 2023

5:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers

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### ATTENDANCE:

<b>Members Present:</b>	Chair, Larry Sparks Peter Siemons Richard Schooley
<b>Members Absent:</b>	None
<b>Staff Present:</b>	Noelle Reeve, Planner Garry Welsh, Secretary/Treasurer
<b>Applicants/Agents Present:</b>	Amy Mignault, Owner Madessa Giff, Owner Bradley Hamill, Owner
<b>Public Present:</b>	Mike Barr Allie Leadbeater

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### 1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.  
A quorum was present.

### 2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

### 3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

#### 4. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – September 18<sup>th</sup>, 2023.**

The minutes of the Committee of Adjustment meeting held on September 18<sup>th</sup>, 2023, were approved as circulated.

#### 5. INTRODUCTION

The Chair welcomed the attendees and introduced the Committee Members, the Planner and the Secretary/Treasurer and identified the applicants. The Planner then provided an overview of the Minor Variance application review process to be followed, including:

- the mandate and responsibilities of the Committee
- a review of available documentation
- the rules of natural justice, the rights of persons to be heard and to receive related documentation on request and the preservation of persons' rights.
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding this/these application(s) should leave their name and mailing address with the Secretary/Treasurer.

The Chair advised that this Committee of Adjustment is charged with making a decision on the applications tonight during this public meeting. The decision will be based on both the oral and written input received and understandings gained.

Based on the above, the Committee has four decision options:

- Approve – with or without conditions
- Deny – with reasons
- Defer – pending further input
- Return to Township Staff – application deemed not to be minor

The agenda for this meeting included the following application(s) for Minor Variance:

**MV23-06– Mignault – 196 Farren Lake Lane 41**, Concession 2, Part Lot 6, geographic Township of South Sherbrooke

**MV23-07– Foster – 2099 Elm Grove Road**, Concession 5, Part Lot 9, geographic Township of North Burgess

**MV23-09– Youngson – 736 Dunc's Point**, Concession 6, Part Lot 4, geographic Township of North Burgess

**MV23-11– Giff and Hamill – 166 Ferrier Rd East**, Concession 8, Part Lot 5, geographic Township of North Burgess

## 6. APPLICATIONS

### i) **FILE #: MV23-06 - Mignault**

#### a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that a rock outcropping behind the current cottage location limits further setback from the water. The Planner also confirmed that an engineered report would be required if the slope is greater than 3 Horizontal:1 Vertical (3H:1V), or if a retaining wall greater than 1.2m is needed.

The Planner also recommended that the applicant access services available from the Rideau Valley Conservation Authority (RVCA), for planting along the shoreline.

#### b) **APPLICANT COMMENTS**

The applicant noted that they will be installing a septic system to replace the current holding tank, and possibly installing a well, rather than using lake water for the cottage.

The applicant also confirmed that they will be proceeding with renaming the section of road that branches off from Farren Lake Lane 41, to provide access to their cottage.

#### c) **ORAL & WRITTEN SUBMISSIONS**

A neighbouring property owner asked for assurance that the separate naming of the access road would not interfere with the process of them acquiring the unopened road allowance which crosses their property, as they wish to consolidate their lots into one property. The Planner confirmed that naming the road does not affect ownership or this process.

#### d) **DECISION OF COMMITTEE**

### **RESOLUTION #COA-2023-13**

**MOVED BY:** Richard Schooley  
**SECONDED BY:** Peter Siemons

**“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV23-06 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 196 Farren Lake Lane 41, Concession 2, Part Lot 6, in the geographic Township of South Sherbrooke, now known as

Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-13800;

- To permit a cottage to be rebuilt at a water setback of 13.4m (44ft) and a new garage at a water setback of 23.8m (78 ft), instead of the 30m required;
- To permit a deck to be built with an area of 33m<sup>2</sup> rather than the 28m<sup>2</sup> permitted;

**AND THAT**, the following be completed prior to the issuance of a Building Permit:

- a Site Plan Control Agreement be prepared by the Township for the owners and entered into;
- legal access be confirmed/established; and
- the right of way is named to comply with the requirements of the Road Naming By-law.”

**ADOPTED**

ii) **FILE #: MV23-07– Foster**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the second entrance to the property has been allowed by Lanark County Public Works as the U-shaped driveway with two entrances was pre-existing.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

The Committee questioned whether the additional dwelling could be used for short-term rental purposes. The Planner noted that the applicant has indicated that the building is intended for his own family's use, but there is no current restriction or licence requirement for short-term rentals within Tay Valley Township.

**RESOLUTION #COA-2023-14**

**MOVED BY:** Peter Siemons

**SECONDED BY:** Richard Schooley

**“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV23-07 is approved, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, for the lands legally described as 2099 Elm Grove Road, Concession 5, Part Lot 9, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-19200;

- To permit a second dwelling to be constructed at a distance of greater than the maximum allowed 12m from the existing dwelling, with its own septic system and a separate road entrance;

**AND THAT**, a Site Plan Control Agreement be prepared by the Township and entered into by the owners.”

**ADOPTED**

Item 6 iv was discussed next.

iii) **FILE #: MV23-09 - Youngson**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the lot coverage with the proposed new cottage, garage, and relocated deck, will still meet the 10% permitted maximum lot coverage.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) DECISION OF COMMITTEE

**RESOLUTION #COA-2023-15**

**MOVED BY:** Peter Siemons

**SECONDED BY:** Richard Schooley

**“THAT** in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV23-09 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 736 Dunc’s Point, Concession 6, Part Lot 4, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-25900;

- To recognize the reconstruction of a 33m<sup>2</sup> deck on the water side of the cottage, rather than the maximum 28m<sup>2</sup> allowed, with a deck encroachment of 3m into the required water setback, rather than the maximum 2m allowed;
- To recognize reconstruction of a cottage at a water setback of 21.6m (71ft), with a second storey addition at the rear, rather than the 30m required;

**AND THAT**, a Site Plan Control Agreement be prepared by the Township and entered into by the owners.”

**ADOPTED**

iv) **FILE #: MV23-11 – Giff and Hamill**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the applicants intend to renovate an existing garage for use as a dwelling.

b) APPLICANT COMMENTS

The applicant confirmed that the slab on grade construction can be retrofitted for floor insulation and electric heating.

c) ORAL & WRITTEN SUBMISSIONS

None

d) DECISION OF COMMITTEE

**RESOLUTION #COA-2023-16**

**MOVED BY:** Peter Siemons

**SECONDED BY:** Richard Schooley

**“THAT** in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV23-11 is approved, to allow a variance from the requirements of Section 10.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 166 Ferrier Road East, Concession 10, Part Lot 1, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-31207;

- To permit an existing garage to be renovated to a house with a rear setback of 4.6m (15ft) rather than the 6m required, and an interior side setback of 3.05m (10ft) rather than the 6m required.”

**ADOPTED**

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:46 p.m.

  
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Chairperson

  
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Secretary/Treasurer